IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8905 of 2005

Between:

1 Konduru Sarojanamma W/o late Venku Reddy
R/o Madamanuru Village, Manubolu Mandal, Nellore district
2 Konduru Bujjamma W/o Penchala Reddy
R/o Madamanuru Village, Manubolu Mandal, Nellore district
3 Mopuru Vijayamma W/o Venku Reddy
R/o Madamanuru Village, Manubolu Mandal, Nellore district

..... PETITIONERS

AND

1 The District Collector, Nellore, Nellore District
2 The Revenue Divisional Officer, Gudur, Nellore district
3 The Mandal revenue Officer, Manubolu Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, Writ or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioners from ac. 30.28 cents out of Ac. 3052 cents in Sy. Nos. 144 to 146, 159 and 163 to 168 of Madamanuru Village Munabolu Mandal, Nellore District Pending the appeal filed before the 1st respondent on 13-4-2005 under para 15 of Board standing Order No. 15, through the petitioners are rightful owners and possessors thereof as illegal, arbitrary unjust and violative of Articles 14, 19 (i) (g), 21 and 300-A of the Constitution of India, and pass such order are orders that the Honoruable Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner:MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8905 OF 2005

O R D E R:

The petitioners seek a writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioners from the land to an extent of Ac.30-28 cents out of Ac.30-52 cents in Survey Nos.144 to 146, 159 and 163 to 168 of Madamanuru Village, Munabolu Mandal, Nellore District, as arbitrary and illegal.

It is stated that aggrieved by the order dated 10-11-2004 passed by the second respondent, the Revenue Divisional Officer, Gudur, the petitioners preferred an appeal on 13-04-2005 along with an application seeking stay of operation of the order dated 10-11-2004 before the first respondent, the District Collector, Nellore.

The grievance of the petitioners is that the first respondent has failed to consider the appeal and that even the application seeking stay is still pending and that in the meanwhile, the respondents are taking steps to dispossess them highhandedly.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay

filed by the petitioners in the appeal against the orders of the second respondent dated 10-11-2004 in R.C.No.A.4152/04 within a period of one week from the date of receipt of a copy of this order. In the meanwhile, status quo obtaining as on today as to the nature and possession of the land-in-question shall be maintained for a period of two weeks from today.

The writ petition is accordingly disposed of. No costs.

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(G.ROHINI, J)

Date: 21-04-2005

Ghn

To

1 The District Collector, Nellore, Nellore District
2 The Revenue Divisional Officer, Gudur, Nellore district
3 The Mandal revenue Officer, Manubolu Mnadla, Nellore District

4 Two C.D copies

5 One C.C to Mr.Sridhar Reddy

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8905 OF 2005

OPERATIVE PORTION (BY WIRE):

Having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay filed by the petitioners in the appeal against the order dated 10-11-2004 within a period of one week from the date of receipt of a copy of this order. In the meanwhile, status quo obtaining as on today as to the nature and possession of the land-in-question shall be maintained for a period of two weeks from today.

The writ petition is accordingly disposed of. No costs.

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(G.ROHINI, J)

Date: 21-04-2005

Note:

1. Issue wire at party's costs.

2. Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

ghn